

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
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The Council meeting of the Borough of Wind Gap on Monday, April 6, 2009, was called to order at 7:30 p.m. by Council President, Scott Parsons, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, Kerry Gassler, Dave Hess, George Hinton, Joe Weaver and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Borough Solicitor Ronold Karasek, and Borough Administrator Louise Firestone.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the March expenses in the amount of \$14,452.86 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of March are outlined in a report. The report includes the meetings attended in March 2009.

Subdivision Matters: Review existing Borough files on Gassler Sketch Plan and Correspondence to/from Borough and Alternate Borough Engineer. Telephone conferences with realtor-appraiser re: Gibraltar's due diligence in Posh Properties Major Subdivision (First Street)

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Legal research on Tax Collector's home office and sale of religious articles. Out-of-office conference with I. Bettini re: Stormwater and Drainage Easement Agreement and comprehensive telephone conference with Bettini's attorney. Prepare Borough Planning Commission Recommendation in "Augie's To Go" Site Plan and Application for Special Exception Use.

Developments on Outstanding Litigation: N/A.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Preparation of Borough Ordinance No. 470, advertising notices and e-mail transmission and correspondence to all interested parties re: Amendments to Articles of Agreement for Slate Belt Council of Governments (COG). Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters, and make and receive telephone calls.

Outstanding Items: Writ of Summons filed against PP&L and Sprint re: cell tower location. Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending.

Ordinance for loitering, begging and panhandling – pending but inactive.

Ordinance for reimbursement of equipment, materials, and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive.

Ron reported that he met with Mrs. Bettini to discuss the easement agreement and a copy has been forwarded to the Borough for signature. He has done a comprehensive review on the Police policy manual and asked Council for direction. He stated that it is pretty well written, but there are some specific issues that Council might want to discuss further. Council agreed to meet at 6:30 p.m. on April 21, 2009 for an Executive Session to discuss the manual because it discusses personnel issues and sensitive police procedure issues. He asked about the status of the Grand Central Investment plan with regard to the Holland property at the corner of Alpha and East West Street. Louise to contact Hanover Engineering to follow-up on the status of the plan.

ENGINEER'S REPORT

Brian Pysher was absent from the meeting. George Hinton reported that the Roberti project was scheduled to start today, but because of the weather, they will begin next Monday.

OLD BUSINESS

1. Property at the corner of North Broadway and Eighth Street. Mayor Mogilski asked what can be done with the property because it is in disrepair and poses a safety risk to residents. Jon Faust, who also serves as the Borough's Fire Chief, believes that the previous Fire Chief condemned the property because of safety issues. Ron Karasek explained that typically the authority for condemning a property is that of the Zoning Officer not the Fire Chief. One of the owners is deceased and the other does reside locally. He suggested that papers should be filed in court stating that there is violation of the zoning ordinance or the nuisance ordinance, whichever pertains, before anyone from the Borough goes on the property.
2. Scott Parsons updated Council regarding issues from the last Council meeting. He spoke to Alan Reto about the trailer on the property and Alan informed the Zoning Officer that he will have it removed. He spoke to Bobby Duvo and he will clean up his property. He spoke to Pat Sutter about her religious items and suggested that she contact the State Ethics Commission directly to get their interpretation. Scott's mom visited Mrs. Sutter to pay taxes and the religious items have been removed.
3. Scott Parsons reported that he sent a letter to the editor of both the Express Times and the Morning Call to publicly thank all the volunteers and the residents during the Saturday, March 21, 2009 evacuation. The Fire Company, the Ambulance Corps, the School District all cooperated to make the evacuation run as smoothly as possible.
4. Neighboring Municipal Agreement. Tony Curcio reported that the committee met with Harry Smith, Waste Management, on March 26, 2009. They reviewed the changes that are being proposed to the existing Neighboring Municipality Agreement. Harry stated that the cell is ready for operation and they are anticipating 1,700 tons per day for the remainder of this year. Harry indicated that because of current economic conditions there is nothing that Waste Management can do to change the current agreement this year or even next year. Harry did take a copy of the changes proposed by the committee. Joe Weaver added that the facility here is not currently profitable and is being subsidized by other sights until they can get some of the lost business to return to this landfill. Tony stated that they will hold off for a few months and then the committee with follow-up with Harry Smith.

NEW BUSINESS

1. Enactment Ordinance 470 – Slate Belt Council of Governments Articles of the Existing Agreement. An Ordinance of the Borough of Wind Gap, Northampton County, Pennsylvania, authorizing amendments to the Articles of Agreement for the Slate Belt Council of Governments and authorizing additional incidental action by Borough Officials in furtherance of the Amendments. Ron Karasek explained that this ordinance was done because the Slate Belt COG wanted to make application to be recognized as a 501.C.3 organization to obtain charitable donations and not have to pay income tax and in order to do that they had to change their articles of incorporation to say that is their purpose. They have also added different levels of membership, a full, an associate or an affiliate membership and any future changes to the Articles of Amendment, those amendments can be done by resolution and not by ordinance. That would eliminate the members/municipalities from going through the expense of advertising or preparation of ordinances.

On motion by Kerry Gassler to adopt Ordinance 470 and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

2. Street Sweeping Bids. Louise informed Council of the bids that were received by the Borough.
Elegant Lawncare, Inc. - \$85 per hour – power sweeping
Hanson Aggregates Pennsylvania - \$135 per hour – sweeper, vacuum, water
East Penn Power Sweeping - \$80 per hour – broom, water

Council discussed that fact they and residents have not been satisfied with the street sweeping in recent years. The street sweeper has only pushed the cinders and dirt to the curb line, but it has not necessarily been picking up all the debris. Louise explained that a questionnaire was sent to all the sweeping contractors and the only one to answer and satisfy all the questions was Hanson Aggregates as far as water, sweeping and vacuuming. The Council budgeted \$3,000 for street sweeping this year and at the \$135 rate, it might exceed the budgeted amount.

On motion by Kerry Gassler to hire Hanson Aggregates at a rate of \$135 and seconded by Tony Curcio. Roll call vote taken. In favor: K. Gassler, D. Hess, G. Hinton, S. Parsons, T. Curcio, J. Faust. Opposed: J. Weaver. Motion carried with a vote of 6-1.

3. George Hinton suggested that Council allow the Boy Scouts have a link on the Borough's website. Ron Karasek cautioned that if Council allows such a link, they would be potentially allowing any organization to request a link and the Borough would have no grounds to deny such a request because that would be discrimination. George suggested that it be specific to Borough organizations or affiliations.

4. Jeff Yob, President, Wind Gap Fire Company. Jeff informed Council that the Fire Company would once again be requesting a waiver of the ordinance prohibiting alcohol in the park for their annual Fire Company Picnic June 3 to 6, 2009. He plans to attend the Park Board meeting scheduled for April 14, 2009 seeking their approval and then he will return to Council on April 21, 2009.

Jeff Yob, Emergency Management Coordinator, reported that he contacted Angela, County EMA Office, and they are supposedly coming out with a questionnaire to get reimbursement for expenses. He asked if anyone has expenses to submit to contact him, i.e. Borough, Ambulance Corps, etc. He stated that the other question is whether there will be a debriefing and Jeff stated that they have been asking for one since the day after the event and the County has yet to schedule a meeting. As soon as it is scheduled, he will inform Council. If it is a meeting for emergency organizations and the public is prohibited, he will report back with the information. Tony Curcio stated that the emergency alert system from the State over the radio station was drowned out and you could barely hear the word Wind Gap. Jeff will make a note and discuss during the debriefing meeting.

5. Scott Parsons stated that an open house is being held for the Slate Belt YMCA project in Pen Argyl at Weona Park on Thursday, April 16, 2009. They are requesting guests to RSVP. The COG is supporting this project and grant money is being sought in support of the YMCA. They are planning a full size YMCA with a gym and pool.

On motion by Tony Curcio to adjourn the meeting of April 6, 2009. Council agreed unanimously. The meeting of April 6, 2009 adjourned at 8:11 p.m.

Louise Firestone, Borough Administrator